

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
)
v.)
)
BENJAMIN BRADLEY,)
)
Defendant.)
)

Case No. 3:15-cr-00037-2

Judge Trauger

RESPONSE REGARDING FORFEITURE PROCEEDINGS

On June 22, 2017, the Court issued an Order of Forfeiture Consisting of Money Judgment and Preliminary Order of Forfeiture against Benjamin Bradley. (DE# 1005, Order of Forfeiture.) The Court later stayed that Order, however, pending the resolution of Bradley's appeal. (DE# 1018, Stay Order.)

In early September 2017, the government sent notice of the forfeiture order, via certified and U.S. mail, to all known third-party claimants—consisting of five individuals and three corporations—who were likely to claim an interest in any of the property subject to the preliminary order of forfeiture: namely, two parcels of U.S. currency and five real properties located in and around Detroit, Michigan. A copy of one such notice letter is attached to this filing. The letter advises the recipient that he or she is hereby “given actual notice of the forfeiture of the property referred to in the enclosed Notice of Forfeiture and of your right to assert a claim to them.” The letter further states, “As of the date of this letter, the Notice of Forfeiture has not yet been published for the last time; therefore, you will likely have 30 days from receipt of [t]his letter in which to file a claim.” After receiving this letter, third-party claimant Kareema Hawkins filed a motion requesting a hearing (DE# 1055), and Defendant Benjamin Bradley submitted a letter asking the Court to remind the government that the forfeiture proceedings have been stayed (DE# 1054.)

The undersigned was not involved in the preparation of the notice letter, or in the decision to send it out despite the stay order. Having now reviewed the letter, the undersigned respectfully submits that although it may have been appropriate to provide the claimants with notice of the preliminary forfeiture order at this time, the government *should have* included notice of the stay order, and *should not have* told the claimants that their 30-day deadline to file a claim began running upon receipt of the letter.

The government respectfully apologizes to the Court and the claimants for these errors, and proposes to rectify them as follows. As soon as practicable, the government will serve on the same individuals and corporations, via certified and U.S. mail, a notice that includes of a copy of the stay order, as well as a letter informing them: (1) that all forfeiture proceedings have been stayed by this Court pending appeal; (2) that the claimants' 30-day deadline to file a claim will not begin to run unless and until the stay has been lifted; (3) that they will receive an additional notice letter if and when the stay is lifted advising them of the outcome of the appeal; and (4) that if they have already filed a claim, that claim will be deemed timely and they will not need to refile a separate claim after the stay is lifted. Then, once the appeal has been resolved, the government will send the claimants an additional letter advising them of the outcome and—if further forfeiture proceedings will occur—notifying them that any claims that have not already been filed must be filed within 30 days of receipt. At that time, the government will also re-publish the preliminary order of forfeiture online at www.forfeiture.gov in order to give notice to indirect third-party claimants and provide them with the opportunity to file claims.

If the Court accepts this proposed course of action, the government respectfully submits that the Court should deny without prejudice the motion for a hearing filed by third-party claimant

Kareema Hawkins. If and when the stay order is lifted, the Court can schedule a hearing at that time to address any claims raised by Hawkins or any other third-party claimants.

Respectfully submitted,

DONALD Q. COCHRAN
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Middle District of Tennessee

s/ Cecil W. VanDevender
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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2017, I sent a copy of the foregoing via U.S. mail to:

Benjamin Edward H. Bradley
Reg. No. 50878-039
FCI Milan
P.O. Box 1000
Milan, Michigan 48160

and

Kareema Hawkins
45669 Harmony Lane
Belleville, Michigan 48111

s/ Cecil VanDevender
CECIL VANDEVENDER